



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Christian BERTIN et al.

Group Art Unit: 2621

Application No.: 10/765,448

Examiner: O. IDOWU

Filed: January 27, 2004

Docket No.: 127524

For: TOPIC-ORIENTED METHOD OF RECORDING DIGITAL CONTENTS
BROADCAST IN ACCORDANCE WITH A SCHEDULE

SUPPLEMENTAL RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As a supplement to the Amendment filed on March 19, 2007, and in response to the personal interview Examiner interview conducted on March 27, 2007, please consider the following arguments.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiners Idowu and Examiner Tran in the March 27, 2007 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

The December 16, 2006 Office Action (Office Action) rejects claims 1-10 and 13 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,996,627 B1 (Carden) in view of U.S. Patent Publication No. 2002/0127000A1 (Yamato); and rejects claims 11 and 12 under 35 U.S.C. § 103(a) over Carden in view of Yamato and further in view of U.S. Patent Application No. 2003/0159151 A1 (Ikeda); and rejects claims 14-16 under 35 U.S.C. § 103(a) over Carden in view of Yamato and further in view of U.S. Patent No. 7,055,165 (Connelly).

During the interview, Examiner Tran asked Applicants' representatives to show support for the amendment and argument that the record file and the audiovisual content are two distinct items. Applicants' representatives argued that support can be found, for example, at page 1, lines 19-23, and page 3, lines 8-16 of the certified English-language translation of the original application. In response, Examiner Tran implied that the certified translation was inaccurate. The Examiner's assertion was based on his being fluent in French, and thus, the Examiner read the original specification to mean something different.

Applicants respectfully submit that the certified translation is accurate. Furthermore, pursuant to MPEP § 706.02 II, if the "[E]xaminer seeks to rely on a document, a translation must be obtained so that the record is clear as to the precise facts the Examiner is relying upon in support of the rejection." Thus, if the Examiner further rejects the claims for lack of support in the original specification, then Applicants respectfully request that the Examiner provide the Applicants with a translation to support such a rejection.

Furthermore, as discussed in the Amendment, Carden is nonanalogous and irrelevant to the presently claimed subject matter. According to the Office Action, Yamato fails to disclose each and every characteristic of claim 1. Consequently, it would not have been obvious to one of ordinary skill in the art at the time of the invention to obtain the method of claim 1 by combining Carden and Yamato.

Ikeda and Connelly fail to cure the deficiencies of Carden and Yamato. Thus, the applied references, in any combination, fail to teach or suggest the subject matter of claim 1, or the claims depending therefrom. Withdrawal of the rejections is requested.

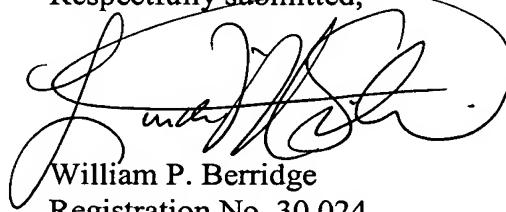
Furthermore, during the personal interview, Examiner Tran asserted that U.S. Patent Application Publication 2002/0054068 (Ellis) essentially disclosed the features of the presently claimed invention. Applicants respectfully disagree.

Ellis relates to a media recording system that includes features such as reducing recording cutoff of a particular media event due to changes in the start and end time of what is scheduled to be recorded. Unlike Carden, Ellis does not appear to be limited to video on demand communications and recording. In particular, paragraph [0002] of Ellis may teach many forms of broadcasts. Although Ellis does not teach the concept of a "record file," paragraph [0057] may teach the storage of instructions and data. However, Ellis does not teach the "terminal receiving a record file" identifying the audiovisual content, as recited in claim 1 of the presently claimed invention. More specifically, Ellis may teach the creation of a "record file" by the terminal itself, but it does not appear to teach the transmission of a "record file" to the terminal. Thus, Applicants submit that Ellis does not disclose the presently claimed features.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:LMS/dqs

Date: April 10, 2007

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